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December 8, 2005

VIA FACSIMILE AND FIRST CLASS MAIL

Sean P. DeBruine, Esq.
Akin Gump Strauss Hauer & Feld LLP
580 California St., Suite 1500
San Francisco, CA 94104-1036


Re: Lumileds Lighting U.S. LLC v. Epistar Corp. & United Epitaxy Co., Ltd.
Case No. C 05-0451 MEJ (N.D. Cal.)

Dear Sean:

I write in response to your letter of December 2, 2005. Lumileds agrees to your proposed January 30, 2006 due date for defendants Epistar and UEC to serve their answer in the District Court action.

Regarding Lumileds' Related Case Motion that we discussed last week, Lumileds intends to file this motion concurrently with its declination to proceed before Magistrate Judge James, which must be filed with the Court on Monday, December 12, 2005. Please see the enclosed Court Order directing the parties to file their consents or declinations by this date. Therefore, please notify me by Friday, December 9, 2005 at 12:00 p.m. (Pacific) whether Defendants will oppose Lumileds' Related Case Motion requesting that this case be assigned to Judge Wilken. If I do not hear from you otherwise, we will assume that the Defendants intend to oppose the motion.

Sincerely,


Daniel Johnson, Jr.

Enclosure

United States District Court

For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LUMILEDS LIGHTING U.S., LLC,

No. C 05-4521 MEJ

Plaintiff(s),

vs.

**ORDER DIRECTING PARTIES TO FILE
CONSENT/DECLINATION FORM**

EPISTAR CORP., and UNITED EPITAXY CO.,
LTD.,

Defendant(s).

Pending before the Court is Carl P. Bretscher, Tyler Goodwyn, and Todd P. Taylor's Application to appear *pro hac vice*, filed on November 10, 2005. Upon review of the record in this action, the Court notes that the parties have not filed written consents to Magistrate Judge James' jurisdiction or requests for reassignment to a United States District Court judge for trial. This civil case was randomly assigned to United States Magistrate Judge Maria-Elena James for all purposes including trial. In accordance with Title 28, U.S.C. § 636(c), the Magistrate Judges of this District Court are designated to conduct any and all proceedings in a civil case, including a jury or non-jury trial, and to order the entry of final judgment, upon the consent of the parties. An appeal from a judgment entered by Magistrate Judge James may be taken directly to the United States Court of Appeals for the Ninth Circuit in the same manner as an appeal from any other judgment of a district

1 court.

2 You have the right to have your case assigned to a United States District Judge for trial and
3 disposition. Accordingly, the parties shall inform the Court whether they consent to Magistrate
4 Judge James' jurisdiction or request reassignment to a United States District Judge for trial. A copy
5 of both the consent and declination forms may be obtained from the Northern District of California's
6 website at <http://www.cand.uscourts.gov/>. From the homepage, click on the "Forms" tab on the left
7 margin, then choose "Civil." The parties shall inform the Court as soon as possible, but no later than
8 December 12, 2005.

9 **IT IS SO ORDERED.**

10
11 Dated: November 14, 2005



MARIA ELENA JAMES
United States Magistrate Judge

United States District Court

For the Northern District of California

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FAXED

DEC 08 2005

By 

SEND TO

Name: Sean P. DeBruine, Esq. Firm: Akin Gump Strauss Hauer & Feld LLP
 FAX #: 415.765.9501 Telephone #: 415.765.9500

FROM

Name: Daniel Johnson, Jr. Floor: 7
 Operator Sending: Telephone # 415.442.1392
 FAX #: 877.432.9652 Date Sent: December 8, 2005 No of Pages: 4
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COMMENTS

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COMMENTS